

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/079,502
Filing Date	5/14/98
First Named Inventor	Alfred S. Despres, III
Group Art Unit	3738
Examiner Name	not assigned

Total Number of Pages in This Submission

Attorney Docket Number 13928-707

**ENCLOSURES**

- ☒ Fee Transmittal Form
- ☒ Authorization to Charge Deposit Account Attached
- ☐ Amendment/Response
- ☐ After Final
- ☐ Affidavits/declarations
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☒ Response to Missing Parts under 37 CFR 1.52 or 1.53

X (4)	Assignment Papers (for an Application) 1 assignment from Germany
	Drawing(s)
<i>me</i>	Revocation and Power of Attorney by Assignee
	Petition Routing Slip (PTO/SB/69) and Accompanying Petition
	To Convert a Provisional Application
2	Declaration of Inventor(s) 2 declarations (one from Germany)
	Terminal Disclaimer
X	Small Entity Statement
	Request for Corrected Filing Receipt
	After Allowance Communication to Group
	Appeal Communication to Board of Appeals and Interferences
	Appeal Communication to Group ( <i>Appeal Notice, Brief, Reply Brief</i> )
	Proprietary Information
	Status Letter
	Additional Enclosure(s) ( <i>please identify below</i> ):
Remarks	

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual Name WILSON SONSINI GOODRICH &amp; ROSATI (John Bruckner)

Signature *John Bruckner*

Date

Dec. 1, '98

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail to: Assistant Commissioner for Patents, Washington, D.C. 20231, on

Date

Dec. 1, '98

Typed or printed name

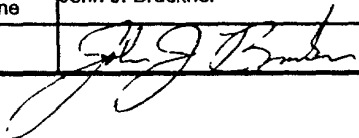
*John Bruckner*Signature *John Bruckner*

Date

Dec. 1, '98

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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FEE TRANSMITTAL		Complete if Known																																																																																																																																																																																	
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1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: 23-2415 (13928-707) Deposit Account Name: Wilson Sonsini Goodrich & Rosati <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance		3. ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse; font-size: 0.8em;"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Small Entity Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td>65</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>950</td><td>217</td><td>475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,510</td><td>218</td><td>755</td><td>Extension for reply within fourth month</td><td>755</td></tr> <tr><td>128</td><td>2,060</td><td>228</td><td>1,030</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - 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07-10-91

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09/901310  
07/09/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)  
CONTINUATION PATENT APPLICATION BASED ON  
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Alfred S. Despres III et al.  
Serial No.: 09/079,502  
Filing Date: 05/14/98  
Title: IMPLANT WITH COMPOSITE COATING  
Group Art Unit: 3738  
Examiner: S. Jackson  
Attorney's Docket No.: 13928 (HAYES079502)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION

This is a request for filing a continuation application, in accordance with Rule 1.53(B), of pending prior application Serial No. 09/079,502 filed 05/14/98 by Alfred S. Despres III, Eugene J. Elwood, Robert R. Aharonov, Peter Ehlers, and Knut Andersen for IMPLANT WITH COMPOSITE COATING.

Submitted with this request are the following:

1. A true copy of said pending prior application Serial No. 09/079,502 (including specification, claims and drawings) as originally filed;

2. A copy of (i) a NOTICE TO FILE MISSING PARTS OF APPLICATION - FILING DATE GRANTED, (ii) a RESPONSE TO MISSING PARTS, (iii) two DECLARATION AND POWER OF ATTORNEY documents listing the names of the inventors and signed by the inventors Alfred S. Despres III, Eugene J. Elwood, Robert J. Aharonov, Peter Ehlers, and Knut Andersen, specifically identifying the parent of this application by serial number and filing date, (iv) a VERIFIED STATEMENT CLAIMING SMALL ENTITY BUSINESS STATUS, and (v) four ASSIGNMENT AND REQUEST FOR RECORDATION documents of same.

HAYES-707 CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)  
CONTINUATION PATENT APPLICATION BASED ON  
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Alfred S. Despres III et al.  
Serial No.: 09/079,502  
Filing Date: 05/14/98  
Title: IMPLANT WITH COMPOSITE COATING  
Group Art Unit: 3738  
Examiner: S. Jackson  
Attorney's Docket No.: 13928 (HAYES079502)

BOX PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

FILING OF PATENT APPLICATION UNDER 37 CFR 1.10

The attached Rule 1.53(B) continuation application is being filed under the provisions of 37 CFR 1.10.

Respectfully submitted,

*Mark J. Pandiscio* 7/9/01

Mark J. Pandiscio  
Registration No. 30,883  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02154  
Tel. (781) 290-0060

"Express Mail Mailing Label Number EF221796744US

Date of Deposit JULY 9, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

*Mark J. Pandiscio* 7/9/01  
Mark J. Pandiscio

3. An AFFIDAVIT by the undersigned attorney of record verifying that the enclosed copy of said prior application Serial No. 09/079,502 is a complete and true copy; and

4. A PRELIMINARY AMENDMENT which amends the application to show that it is a continuation of parent application Serial No. 09/079,502 and

5. A mailing certificate indicating that this submittal is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on July 9, 2001 as provided for under 37 CFR 1.10.

The Power of Attorney in the prior application is to Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17293, Mark J. Pandiscio, Registration No. 30883, Scott R. Foster, Registration No. 20570, and James A. Sheridan, Registration No. 43114, or any of them, all of 470 Totten Pond Road, Waltham, MA 02154-1914 (Telephone No. 781-290-0060).

The inventors named in this continuation application are the same inventors named in the prior application Serial No. 09/079,502.

The Commissioner is also authorized to prepare a certified copy of said prior copending application if the same is deemed to be necessary and to charge the cost of same to Deposit Account No. 16-0221.

A duplicate copy of this letter is enclosed for filing in said prior copending application.

Assistant Commissioner For Patents  
Washington, D.C. 20231

Case Docket No.: HAYES-707 CON



Sir:

Transmitted herewith for filing is the patent application of:

Inventor: Alfred S. Despres III et al.

For: IMPLANT WITH COMPOSITE COATING

Enclosed are:

- ☒ 9 sheets of drawings.
- ☒ An assignment of the invention to: Hayes Medical, Inc.
- ☒ A verified statement to establish small entity status.
- ☒ REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION.

The filing fee has been calculated as shown below:

Small Entity				Large Entity	
For:	No. Filed	No. Extra	Rate	Fee	Rate
Basic Fee				\$355.00	
Total Claims	75 - 20	55	x \$ 9.00	495.00	x \$18.00
Ind. Claims	4 - 3	1	x \$40.00	40.00	x \$ 80.00
Mult. Claims			+ \$130.00		+ \$260.00
Total				\$890.00	

☐ Please charge my Deposit Account No. 16-0221 to cover the filing fee and assignment recording fee. A duplicate copy of this sheet is enclosed.

☒ A check in the amount of \$890.00 to cover the filing fee (and assignment recording fee) is enclosed.

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.

☒ Any additional filing fees required under 37 CFR 1.16.

☒ Any patent application processing fees under 37 CFR 1.17.

☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.

☒ Any patent application processing fees under 37 CFR 1.17.

☐ The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).

☒ Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

Mark J. Pandiscio 7/9/01

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